IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Civil Revision No. 58 of 2002

Norbert Lajrus
S/o late Sri B. Lajrus,
R/o Room No. 30, Mallingar Hotel Estate,
District Dehradun.

..... Revisionist

Versus

1. Sri Jagannath Sharma
   Official Receiver of the Estate of
   M/s Mansa Ram & Sons (declared insolvent)
   R/o New Road, Dehradun.
2. Sri Manmohan Singh Mall,
   S/o not known to the revisionist
   R/o Ganesh Hotel, Mussoorie.
   District Dehradun.

..... Respondents

Mr. Kishor Kumar, Advocate holding brief of Mr. Ramji Srivastava, learned counsel for the revisionist.
None for the respondents.

Hon'ble Prafulla C. Pant, J.

Heard learned counsel for the revisionist.

2. This revision is directed against the order dated 30.04.2002, passed in Misc. Case No. 237 of 1998 by learned District Judge, Dehradun, whereby the application of the appellant – revisionist for setting aside the sale by auction was rejected.

3. This revision has arisen out of the Insolvency Case No. 01 of 1955, pending before the learned Insolvency Judge / District Judge, Dehradun. Petitioner is neither a creditor nor an insolvent person. The sale by auction was held on 18.06.1998. The sale in the insolvency proceedings

has already been confirmed on 24.04.2001. The learned Insolvency Judge has found no irregularity or fraud in the sale by auction. As such, the application of the present revisionist, moved under Order 21 Rule 90 of the Code of Civil Procedure, 1908, before said court was rejected.

4. There appears no illegality or jurisdictional error in the impugned order. Therefore, the revision is dismissed in limine.

(Prafulla C. Pant, J.)

Dt. 09.05.2006
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